GOVERNMENT OF INDIA
ENVIRONMENT, FORESTS AND CLIMATE CHANGE
LOK SABHA

STARRED QUESTION NO:142
ANSWERED ON:08.03.2016
Environmental Clearances
Mahendran Shri C.

Will the Minister of ENVIRONMENT, FORESTS AND CLIMATE CHANGE be pleased to state:

(a) the mechanism in place to grant environment clearances to various industries along with the normative time and actual time taken for the purpose;
(b) whether any study has been undertaken to assess the impact of delayed clearance on the projects and economy of the country and if so, the details thereof;
(c) whether the Government is planning to reclassify the industry per se and prepare new list of industries which may not need environmental clearances at all, if so, the details thereof;
(d) whether there is a new initiative of preparing "white" list which is likely to boost Make in India campaign and if so, the details thereof; and
(e) whether the Government has taken into consideration and analysed the likely negative impact of the said policy on the environment and if so, the details thereof?

Answer

MINISTER OF STATE (INDEPENDENT CHARGE) FOR ENVIRONMENT, FOREST AND CLIMATE CHANGE

(SHRI PRAKASH JAVADEKAR)

(a) to (e) : A Statement is laid on the Table of the House.

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STATEMENT IN REPLY TO PARTS (a), (b), (c), (d) AND (e) OF LOK SABHA STARRED QUESTION NO. *142 FOR ANSWER ON 08/03/2016 REGARDING
ENVIRONMENTAL CLEARANCES

(a) The Environment Impact Assessment (EIA) Notification was issued by the Ministry on 14th September, 2006 by superseding the earlier Notification of 27.01.1994. As per the EIA Notification, 2006, (i) all new projects or activities listed in the Schedule to this notification; (ii) expansion and modernization of existing projects or activities listed in the Schedule to this notification with addition of capacity beyond the limits specified for the concerned sector, that is, projects or activities which cross the threshold limits given in the Schedule, after expansion or modernization; and (iii) any change in product − mix in an existing manufacturing unit included in Schedule beyond the specified range, require prior environment clearance. The environmental clearance process comprises of four stages, namely, Stage (1) Screening; Stage (2) Scoping; Stage (3) Public Consultation and Stage (4) Appraisal. An application seeking prior environmental clearance in all cases has to be made in the prescribed Form 1 and Form 1A(if applicable), as provided in the EIA Notification, 2006, along with a copy of pre-feasibility project report. In case of construction projects or activities (item 8 of the Schedule), in addition to Form 1 and the Supplementary Form 1A, a copy of the Conceptual Plan is to be provided in place of pre-feasibility project report.

The EIA Notification, 2006 has categorized the projects into two categories namely; Category 'A' and Category 'B' based on their impact potential. Category 'A' projects are being appraised at the Central level (MoEFCC) while Category 'B' project at the State Level Environment Impact Assessment Authorities (SEIAAs). The SEIAAs have been constituted by the Ministry for the purpose of appraisal of Category 'B' projects.
The Ministry has taken various initiatives and made the required changes in the policies, rules, and notifications with the objective to create a clean, simple and transparent process of environmental clearance. The important initiatives are:

â€¢ Mandating online submission of applications for Terms of Reference (TOR) and Environmental Clearance from 4th July 2014 in the Ministry and 2nd July 2015 in the SEIAA, with a view to bring more transparency in the system and expediting the decision making;
â€¢ Amendments in EIA Notification, 2006 delegating more powers to States (SEIAAs);
â€¢ Standardised the Terms of Reference for 38 sectors for preparation of Environment Impact Assessment Report and Environment Management Plan, and mandating finalisation of ToR in 30 days. This has drastically reduced the time required for getting ToR;
â€¢ General approval for roads and other strategic infrastructure in area of 100 kilometer from LAC;
â€¢ General Approval for roads in 117 left wing extremism (LWE) affected districts;
â€¢ Delegated the power to Regional Empowered Committee (REC) constituted at each of the ten Regional Offices of the Ministry to

take final decision on proposals seeking diversion up to 40 hectares of forest land except those relating to mining, regularisation of encroachments and hydro -electric projects;
â€¢ Delegated power to REC to finally dispose of proposals seeking forest clearance to linear projects, irrespective of the area of forest land involved;
â€¢ Exemption to all highway projects in border States from scoping requirement and exempting all linear projects in border States from the requirement of public hearing subject to suitable conditions prescribed by the Ministry;
â€¢ Exempting the construction of industrial shed, school, college, hostels for educational institution from requirement of EC;
â€¢ Amended the EIA notification to facilitate expeditious transfer of environmental clearance to new allocatee of cancelled coal blocks;
â€¢ Increased the validity of Environmental Clearance from 5 years to 7 years;
â€¢ For the first time delegated the power to grant environmental clearance for mining of minor minerals (including sand mining) for 5 ha. of individual lease and 25 ha. in cluster, to the district level authority (District Environment Impact Assessment Authority) headed by the District Magistrate.

The timelines prescribed in the Notification for various stages of clearance are:

â€¢ 30 days specified for prescribing the Terms of Reference (TORs);
(After 30 days the standard ToRs generated by the system are issued automatically. It has resulted in drastic reduction in timeline for prescribing of ToRs.)
â€¢ 45 days for public consultation (wherever applicable);
â€¢ 60 days for appraisal; and
â€¢ 45 days thereafter for communicating the decision to project proponent.
The time for appraisal of the environment clearance application begins with the date of submission of application by the project proponent for environmental clearance to Ministry/ SEIAAs. The environment clearance application has therefore to be disposed of within a total of 105 days (60 days for appraisal and 45 days for communicating the decision) of receipt of complete application with requisite documents except where the regulatory authority disagrees with the recommendations of the Expert Appraisal Committee / State Level Expert Appraisal Committee. In situations where the regulatory authority do not agree with the recommendations of the EAC, and requests reconsideration of recommendations; the EAC / SEACs in turn consider the observation of the regulatory authority and furnish their views on the same within a further period of 60 days. The decision of the regulatory authority shall be conveyed to the applicant within next 30 days. Generally, the timelines specified in the EIA Notification are followed. The delay in grant of environment clearance is by and large observed due to non-submission of timely and complete information by the project proponent.

During the last twenty months, Ministry has accorded Environment Clearance to 943 projects involving an approximate investment of Rs.672422.60 crores.

The weighted average time taken in granting environmental clearance before launching online system (4th July 2014) was 599.29 days, which has now come down to 192.59 days after launch of online system for applications for environmental clearance.

(b) No, Sir.

(c) The Ministry of Environment, Forest and Climate Change in consultation with Central Pollution Control Board has reclassified the industries into "red", "orange", "green" and "white" based on the score of pollution load (index). For the new category of "white" industry, which is practically non-polluting will not require Environmental Clearance and Consent. A list of white category of industries is annexed as Annexure − A.

(d) Yes, Sir. The newly introduced "white" category of industries includes 36 non-polluting industrial sectors. This 'Re-categorization' is a part of the efforts, policies and objective of present government to create a clean & transparent working environment in the country and promote the Ease of Doing Responsible Business and thereby, boosting the Make in India drive as well.

(e)
This policy of Re-categorization of industries based on their pollution load is a scientific exercise. The old system of categorization was creating problem for many industries and was not reflecting the pollution of the industries. The new categories will remove this lacuna and will give clear picture to everyone. 25 industrial sectors which were not critically polluting were also earlier categorized as Red. This was creating wrong impression to everyone.

The new category of white industries which in practically non-polluting will not require EC and Consent and will help in getting finance from lending institutions. The exercise of Re-categorization was being carried out for last one year. This is a landmark decision to give fair and clear picture of the industries.
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